

THE HIGH COURT

JUDICIAL REVIEW

CASE NO. 2013/765JR

Wednesday the 16th day of July 2014

BEFORE MR JUSTICE HOGAN

BETWEEN

MAXIMILIAN SCHREMS

APPLICANT

AND

DATA PROTECTION COMMISSIONER

RESPONDENT

Upon Motion of Counsel for the Applicant made unto the Court on the 29th day of April 2014 pursuant to Notice of Motion filed on the 23rd day of October 2014 in the presence of Counsel for the Respondent

Whereupon and on reading the said Notice of Motion the Affidavit of Maximilian Schrems filed on the 21st day of October 2013 the Order herein dated the 21st day of October 2013 giving leave to the Applicant to apply for judicial review the Statement of Grounds filed on the 21st day of October 2013 signed by the Solicitor for the Applicant the Statement of Opposition filed on the 16th day of December 2013 the Affidavit of Billy Hawkes filed on the 16th day of December 2013 the Affidavit of Billy Hawkes filed on the 27th day of January 2014 the Affidavit of Maximilian Schrems filed on the 27th day of January 2014 and the documents and exhibits respectively referred to therein and on hearing said Counsel the Court was pleased to reserve judgment herein and the matter coming before the Court on the 18th day of June 2014 and on this day

IT IS ORDERED pursuant to Article 267 TFEU that the following questions be referred to the European Court of Justice and that these proceedings do stand adjourned pending the outcome of the Article 267 reference

THE HIGH COURT

“Whether in the course of determining a complaint which has been made to an independent office holder who has been vested by statute with the functions of administering and enforcing data protection legislation that personal data is being transferred to another third country (in this case the United States of America) the laws and practices of which, it is claimed, do not contain adequate protections for the data subject, that office holder absolutely bound by the Community finding to the contrary contained in Commission Decision of 26 July 2000 (2000/520/EC) having regard to Article 7, Article 8 and Article 47 of the Charter of Fundamental Rights of the European Union (2000/C 364/01), the provisions of Article 25(6) of Directive 95/46/EC notwithstanding? Or, alternatively, may and/or must the office holder conduct his or her own investigation of the matter in the light of factual developments in the meantime since that Commission Decision was first published?”

Reserving the question of costs

DAVID NEENAN
REGISTRAR
18th July 2014

Ahern Rudden
Solicitors for the Applicant

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FOR REGISTRAR